

Version with Markings to Show Changes Made

1. (Amended) A cordless telephone, comprising:
a remote handset;
a base unit matched to said remote handset; and
an MPEG audio [digital audio bit stream] player integrated within at least one of said remote handset and said base unit.
2. (Amended) The cordless telephone according to claim 1, wherein:
said MPEG audio [digital audio bit stream] player is integrated within said remote handset.
4. (Amended) The cordless telephone according to claim 1 [3], wherein:
said MPEG audio player is an MP3 player.
5. (Amended) The cordless telephone according to claim 2, wherein:
said MPEG audio [digital audio bit stream] player is an MP3 player.
6. (Amended) A method of integrating an MPEG audio [digital bit stream music] player in a cordless telephone, comprising:
playing MP3 music from a remote handset of a cordless telephone.
7. (Amended) The method of integrating an MPEG audio [digital bit stream music] player in a cordless telephone according to claim 6, wherein:
said MP3 music is pre-loaded before said step of playing.
8. (Amended) The method of integrating an MPEG audio [digital bit stream music] player in a cordless telephone according to claim 7, wherein:
said MP3 music is played substantially real-time as it is received by said cordless telephone.

9. (Amended) The method of integrating an MPEG audio [digital bit stream music] player in a cordless telephone according to claim 7 [6], further comprising:

muting said playing of said pre-loaded MP3 music when said remote handset is active in a current telephone call.

10. (Amended) The method of integrating an MPEG audio [digital bit stream music] player in a cordless telephone according to claim 9 [8], wherein:

said muting pauses said playing of said pre-loaded MP3 music.

11. (Amended) The method of integrating an MPEG audio [digital bit stream music] player in a cordless telephone according to claim 6, further comprising:

downloading digital bit stream music comprised in an MPEG format to said remote handset directly from a remote bit stream audio source.

12. (Amended) The method of integrating an MPEG audio [digital bit stream music] player in a cordless telephone according to claim 11, further comprising:

storing said downloaded digital bit stream music comprised in an MPEG format in a base unit of said cordless telephone.

13. (Amended) The method of integrating an MPEG audio [digital bit stream music] player in a cordless telephone according to claim 11, further comprising:

storing said downloaded digital bit stream music comprised in an MPEG format in said remote handset of said cordless telephone.

14. (Amended) The method of integrating an MPEG audio [digital bit stream music] player in a cordless telephone according to claim 13, wherein:

said downloaded digital bit stream music comprised in an MPEG format is stored in Flash memory in said remote handset.

15. (Amended) The method of integrating an MPEG audio [digital bit stream music] player in a cordless telephone according to claim 11, wherein:

said remote bit stream audio source is accessible by said remote handset via an Internet.

17. (Amended) The method of integrating an MPEG audio [digital bit stream music] player in a cordless telephone according to claim 11 [16], wherein:

said MPEG format is an MP3 format.

18. (Amended) Apparatus for integrating an MPEG audio [digital bit stream music] player in a cordless telephone, comprising:

means for playing pre-loaded MP3 music from a remote handset of a cordless telephone.

19. (Amended) The apparatus for integrating an MPEG audio [digital bit stream music] player in a cordless telephone according to claim 18, further comprising:

means for muting said playing of said pre-loaded MP3 music when said remote handset is active in a current telephone call.

20. (Amended) The apparatus for integrating an MPEG audio [digital bit stream music] player in a cordless telephone according to claim 19, wherein:

said means for muting pauses said playing of said pre-loaded MP3 music.

21. (Amended) The apparatus for integrating an MPEG audio [digital bit stream music] player in a cordless telephone according to claim 18, further comprising:

means for downloading digital bit stream music comprised in an MPEG format to said remote handset directly from a remote bit stream audio source.

22. (Amended) The apparatus for integrating an MPEG audio [digital bit stream music] player in a cordless telephone according to claim 21, further comprising:

means for storing said downloaded digital bit stream music comprised in an MPEG format in a base unit of said cordless telephone.

23. (Amended) The apparatus for integrating an MPEG audio [digital bit stream music] player in a cordless telephone according to claim 21, further comprising:

means for storing said downloaded digital bit stream music comprised in an MPEG format in said remote handset of said cordless telephone.

24. (Amended) The apparatus for integrating an MPEG audio [digital bit stream music] player in a cordless telephone according to claim 23, wherein:

said means for storing stores said downloaded digital bit stream music comprised in an MPEG format in Flash memory in said remote handset.

25. (Amended) The apparatus for integrating an MPEG audio [digital bit stream music] player in a cordless telephone according to claim 21, wherein:

said remote bit stream audio source is accessible by said remote handset via an Internet.

27. (Amended) The apparatus for integrating an MPEG audio [digital bit stream music] player in a cordless telephone according to claim 21 [26], wherein:

said MPEG format is an MP3 format.

28. (Amended) The apparatus for integrating an MPEG audio [digital bit stream music] player in a cordless telephone according to claim 21, further comprising:

means for decompressing MPEG formatted music into digital music samples for digital to analog output.

REMARKS

Claims 3, 16 and 26 have been cancelled without prejudice. Claims 1-2, 4-15, 17-25 and 27-28 remain pending. These claims have been amended to recite more clearly an apparatus and method for a cordless telephone with the capability of playing music in an MPEG format from the remote handset of the telephone.

Claims 1-2

In the Office Action, claims 1 and 2 were rejected under 35 U.S.C. § 102(e) as being anticipated by Borland, U.S. Patent No. 6,343,217 ("Borland"). The Applicants respectfully traverse the rejection.

Claims 1 and 2, as amended, recite a cordless telephone with an integrated MPEG audio player.

Borland appears to disclose a digital cordless telephone system using lossless pulse code modulation (PCM) for encoding an audio signal. As the Examiner acknowledges (Office Action, p. 3), Borland fails to disclose a cordless telephone system with an integrated MPEG audio player, as claimed by claims 1-2.

Accordingly, the Applicants respectfully request that the foregoing rejection be withdrawn.

Claims 3-8, 11-18, 21-27

In the Office Action, claims 3-8, 11-18 and 21-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Borland in view of Mills *et al.*, U.S. Patent No. 6,353,870 ("Mills"). Claims 3, 16 and 26 have been cancelled. The Applicants respectfully traverse the rejection of the remaining claims.

Claims 4-8, 11-15, 17-18, 21-25 and 27, as amended, recite a method and apparatus for a cordless telephone with the capability of playing music in an MPEG format. Borland and Mills fail to disclose or suggest these elements of these claims.

As noted, Borland appears to disclose a digital cordless telephone system using lossless PCM for encoding an audio signal. Borland fails to disclose a cordless telephone system with the capability of playing MPEG music, as claimed by claims 4-8, 11-15, 17-18, 21-25 and 27.

Mills does not remedy this deficiency. Mills appears to disclose a closed-case removable expansion card having a removable memory that enhances the utility of portable computer hosts, such as PDAs. The expansion card provides both I/O and memory functions. The card permits a PDA to be customized as a portable media player that is able to store and play back MPEG music. Mills fails to disclose or suggest a cordless telephone, as claimed by claims 4-8, 11-15, 17-18, 21-25 and 27.

The Examiner states that it would have been obvious to one of ordinary skill in the art to combine Mills' expansion card with Borland's cordless telephone system so that more audio data could be stored in a more compact device for the listener. The Applicants respectfully disagree.

For a patent application to be rejected for obviousness based on a combination of references, the references must teach or suggest the combination. Borland does not teach or suggest adding a removable card to a cordless telephone, let alone a removable card that allows the storage and playback of MPEG music. Likewise, Mills does not teach or suggest adding its removable card to a cordless telephone. Rather, Mills teaches adding this card to portable computer hosts (col. 1, lines 6-10). A cordless telephone is not a portable computer host. The Applicants respectfully submit that the purported combination of Borland and Mills represents improper hindsight. Thus, Borland and Mills are not properly combinable with respect to claims 4-8, 11-15, 17-18, 21-25 and 27.

Even assuming that Borland and Mills were properly combined, the combination still would not teach or suggest the additional limitations of the following claims.

First, in claim 5, the MP3 player is integrated in the cordless telephone's handset. The assumed combination of Borland and Mills does not teach inserting the removable card in the handset. Rather, the card would

presumably be inserted in the base unit, where the greater space allows more complex circuitry.

Second, in claims 11-15, 17, 21-25 and 27, the MPEG music is downloaded directly to the handset from a remote bit stream audio source. The assumed combination of Borland and Mills does not teach or suggest this feature.

For the foregoing reasons, claims 4-8, 11-15, 17-18, 21-25 and 27 are patentable over the prior art of record. Accordingly, the Applicants respectfully request that the foregoing rejection be withdrawn.

Claims 9, 10, 19, 20 and 28

In the Office Action, claims 9, 10, 19, 20 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Borland in view of Mills and further in view of Abecassis, U.S. Patent No. 6,192,240 ("Abecassis"). The Applicants respectfully traverse the rejection.

Claims 9 and 10 are dependent on claim 6. Claims 19, 20, and 28 are dependent on claim 18. Claims 9, 10, 19, 20 and 28 are patentable over the prior art for the same reasons that claims 6 and 18 are patentable. Borland and Mills are not properly combinable with respect to these claims.

Claims 9, 10, 19 and 20 recite the additional limitation of muting (and pausing in claims 10 and 20) the playing of the MP3 music when the telephone's handset is active in a current telephone call. Claim 28 recites compressing MPEG formatted music into digital music samples for digital to analog output. As the Examiner acknowledges (Office Action, pp. 6-7), Borland and Mills do not teach or suggest these additional limitations.

Abecassis does not remedy these deficiencies. Abecassis appears to disclose an apparatus that is capable of playing, based on a user's schedule preferences, user-selected information and music. Abecassis does not disclose or suggest a cordless telephone, as claimed by claims 9, 10, 19, 20, and 28.

The Examiner states that it would have been obvious to one of ordinary skill in the art to combine the features of Abecassis' multimedia player to

the assumed combination of Borland and Mills. The Applicants respectfully disagree.

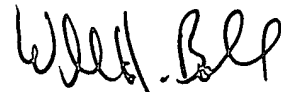
As noted, for a patent application to be rejected for obviousness based on a combination of references, the references must teach or suggest the combination. Also as noted, Borland and Mills are not properly combinable. Even assuming that the two references are properly combined, nothing in Abecassis teaches or suggests including its features in a cordless telephone. Rather, in Fig. 2, Abecassis teaches a multimedia player designed to practice the invention. Thus, Abecassis teaches away from use of a cordless telephone. The Applicants respectfully submit that the purported combination of Borland, Mills and Abecassis represents improper hindsight. Thus, Borland, Mills and Abecassis are not properly combinable with respect to claims 9, 10, 19, 20, and 28.

Accordingly, the Applicants respectfully request that the foregoing rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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